

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

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SNMP RESEARCH, INC. and SNMP	:	Case No. 3:20-cv-00451-CEA-DCP
RESEARCH INTERNATIONAL, INC.,	:	
	:	
Plaintiffs,	:	U.S. District Judge Charles E. Atchley, Jr.
	:	
v.	:	
	:	
BROADCOM INC.; BROCADE	:	
COMMUNICATIONS SYSTEMS LLC; and	:	
EXTREME NETWORKS, INC.,	:	
	:	
Defendants.	:	
	:	
	X	

DECLARATION OF LESLIE A. DEMERS IN SUPPORT OF EXTREME NETWORKS, INC.'S MOTION TO COMPEL THE PRODUCTION OF LICENSE AGREEMENTS FROM SNMP RESEARCH, INC. AND SNMP RESEARCH INTERNATIONAL, INC.

I, Leslie A. Demers, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, counsel of record for defendant Extreme Networks, Inc. ("Extreme") in this action. I am a member of good standing of the State Bar of New York and have been admitted *pro hac vice* to this Court. I have personal knowledge of the facts set forth in this Declaration and can and will testify thereto under oath if called to do so.

2. Attached hereto as Exhibit 1 is a true and correct copy of Extreme's First Set of Requests for Production to SNMP Research, Inc. and SNMP Research International, Inc. (together, "SNMPR"), dated August 9, 2021.

3. Attached hereto as Exhibit 2 is a true and correct copy of SNMPR's Responses to Extreme's First Set of Requests for Production, dated September 8, 2021.

4. Attached hereto as Exhibit 3 is a true and correct copy of email correspondence between counsel for Extreme and counsel for SNMPR, dated between September 8, 2021 and October 7, 2021.

5. Attached hereto as Exhibit 4 is a true and correct copy of email correspondence between counsel for Extreme and counsel for SNMPR, dated between December 17, 2021 and January 3, 2022.

6. Attached hereto as Exhibit 5 is a true and correct copy of email correspondence between counsel for Extreme and counsel for SNMPR, dated between March 16, 2022 and April 18, 2022.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Declaration of Daniel DeBacker, submitted to the Court by email on May 4, 2022.

8. On a meet and confer, I raised to counsel for SNMPR that it had been ordered to produce hundreds of agreements in a separate litigation against Avaya, Inc. During that meet and confer and in subsequent communications, SNMPR was unable to confirm that the agreements produced in that litigation could not be (or were not already) produced here.

9. In connection with the inspection of Extreme's source code, Extreme: (a) purchased multiple new computers for use by SNMPR; (b) made multiple rooms available to SNMPR at Extreme's San Jose, California offices; and (c) sent letters to third parties providing contractual notice that third party source code was contained in Extreme's source code files. Extreme did not withhold source code on the basis of any third party confidentiality obligations.

Executed on May 11, 2022 in New York, New York.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Leslie A. Demers
Leslie A. Demers